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Applicant:

Ralph F. Kalies

Examiner

n/a

Filed:

6/27/2003

Art Unit:

3626

Serial No:

10/608,265

Docket No.

036806.00434

For:

METHOD FOR CONDUCTING PRESCRIPTION DRUG CO-PAYMENT PLANS

Mail Stop Missing Parts Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION OF ATTORNEY JAMES R. ELEY IN SUPPORT OF FILING ON BEHALF OF INVENTOR REFUSING TO SIGN(37 C.F.R. §1.47)

This Declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney by the inventor refusing to sign, Ralph F. Kalies, for the above-identified patent application.

I have been given authority by Assignee, Omnicare, Inc., to execute this Declaration as its attorney and I have first-hand knowledge of the facts recited herein.

June 27, 2002

Provisional Application for Patent filed, originally entitled

"Improved Prescription Drug Co-Payment Plan", Serial No.

60/392,066.

October 14, 1002

Assignment from Ralph F. Kalies ("Dr. Kalies") to his employer

Omnicare, Inc., executed.

October 22, 2002

Assignment recorded at reel 13426, frame 0631.

October 31, 2002

(on or about) Ralph F. Kalies' employment agreement with

Omnicare, Inc., expires.

June 27, 2003

Non-provisional Application for Patent filed.

September 23, 2003

Notice to File Missing Parts received.

October 21, 2003 Communication forwarded to Dr. Kalies attaching patent

application and declaration for his review and execution of

Declaration.

October 27, 2003 Communication to Omnicare, Inc., that Dr. Kalies received patent

documents and Dr. Kalies' willingness to sign pending Omnicare's

approval of same.

November 7, 2003 Communication to Dr. Kalies regarding Omnicare's approval.

November 19, 2003 Communication from legal assistant to attorney in charge

regarding telephone contact in which Dr. Kalies refused to sign the

Oath and Declaration.

I hereby declare that all statements made herein on my own knowledge are true and that all statements were made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted:

Date: November 24, 2003

James R Eley, Esq.

Reg. No. 36,79

Thompson Hine LLP

10 W. Broad St., Suite 700 Columbus, OH 43215-3435

Phone: 614/469-3228 Fax: 614/469-3361



FEBRUARY 13, 2003

THOMPSON HINE LLP JAMES R. ELEY 10 W. BROAD ST., SUITE 700 COLUMBUS, OH 43215

Under Secretary of Commerce For Intellectual Property and Director of the United States Patent and Trademark Office Washington, DC 20231 www.uspto.gov



UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

PTAS

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/22/2002

REEL/FRAME: 013424/0631

NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KALIES, RALPH F.

DOC DATE: 10/14/2002

ASSIGNEE:

OMNICARE, INC.

100 EAST RIVERCENTER BLVD.

1600 RIVERCENTER II

COVINGTON, KENTUCKY 41011

SERIAL NUMBER: 60417056

PATENT NUMBER:

PATENT NUMBER:

PATENT NUMBER:

FILING DATE: 10/08/2002

ISSUE DATE:

SERIAL NUMBER: 60416810

FILING DATE: 10/08/2002

ISSUE DATE:

SERIAL NUMBER: 60392066

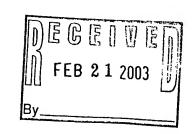
FILING DATE: 06/27/2002

ISSUE DATE:

SERIAL NUMBER: 60416798

FILING DATE: 10/08/2002

PATENT NUMBER: ISSUE DATE:



JOANN STEWART, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

HOV 2 4 2003	Assignment of Rights in Inventio (Sole inventor; single assignee)	1.4	Docket No. 036806.00393
Per de	Inventor	Resider	nce of Inventor
Ralph F. Kalies		5770 Kumbier Road Picket, WI 54964	
	Assignee	Residence or Principal	Place of Business of Assignee
Omnicare, Inc.		1600 Rivercenter II 100 East Rivercenter Blvd Covington, KY 41011	•

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in: IMPROVED PRESCRIPTION DRUG CO-PAYMENT PLAN Serial No. 60/392,066

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of ONE dollars (\$ 1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

Assignment of Rights in Invention (Sole inventor; single assignee)	Docket No. 036806.00393
Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011
for filing divisions, continuations and continuations-in-part of seissues of any Letters Patent which may be granted for my aforand prepare at its own expense. Executed this // day of Oct , in at	the year 2002 (Signature of Inventor)
JAMES R. ELEY, Attorney At Law NOTARY PUBLIC, STATE OF CHIO My commission has no expiration date. Section 147.03 R.C.	(Notary Public)

Assignment of Rights in (Sole inventor; single a	
Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in: METHOD FOR STORING & REPORTING PHARMACY DATA

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of
ONE
1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

dollars (\$

Assignment of Rights in Inventio (Sole inventor; single assignee)	l B	Docket No. 036806.00431
. Inventor	Resider	nce of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964	
Assignee	Residence or Principal I	Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd Covington, KY 41011	
And I further agree to sign and properly execute such necessary and lawful papers for application for foreign path for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter required and prepare at its own expense. Executed this 14 day of Oct , in the year 2002 at Common (Signature of Inventor) State of Manufacture of Inventor) Before me personally appeared Ralph F. Kalies who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorize execute the same this 1474 day of Occober , in the year 2007. JAMES R. ELEY, Attorney At Law NOTANY PUBLIC, STATE OF CHILD My commission has no expiration date. Section 147.03 R.C. (Notary Public)		nd/or, for obtaining any reissue or nee thereof shall hereafter require nature of Inventor)

Assignment of Rights in Invention (Sole inventor; single assignee)

Docket No. 036806.00432

	330000.00432	
Inventor	Residence of Inventor	
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964	
Assignee	Residence or Principal Place of Business of Assignee	
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011	

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in: METHOD FOR PROCESSING AND ORGANIZING PHARMACY DATA

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of

ONE

dollars (\$

), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

Assignment of Rights in Invention (Sole inventor; single assignee)	1 1	Docket No. 036806.00432
Inventor	Reside	nce of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964	
Assignee	Residence or Principal	Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd Covington, KY 41011	_
And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense. Executed this 14 day of Oal , in the year 2002 at		and/or, for obtaining any reissue or gnee thereof shall hereafter require when the control of th

Assignment of Rights in Invention (Sole inventor; single assignee)

Docket No. 036806.00433

· Inventor	Fesidence of Inventor 5770 Kumbier Road Picket, WI 54964	
Ralph F. Kalies		
Assignee	Residence or Principal Place of Business of Assignee	
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011	

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in: METHOD FOR ASSIMILATING PHARMACY DATA

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of

ONE

dollars (\$

1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

Assignment of Rights in Invention Docket No. (Sole inventor; single assignee) 036806.00433 Inventor Residence of Inventor Ralph F. Kalies 5770 Kumbier Road Picket, WI 54964 Assignee Residence or Principal Place of Business of Assignee Omnicare, Inc. 1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011 And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense. Before me personally appeared Ralph F. Kalies who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this OCOBIR, in the year 2002 JAMES R. ELEY, Attorney At Law NOTARY PUBLIC, STATE OF CHIO Humille My commission has no expiration date. Section 147.03 R.C.

Certificate of Mailing

BOX ASSIGNMENTS

Commissioner of Patents

Washington, D.C. 20231

Pixie I. Picketts

Fr m: Picketts, Pixie

Sent: Tuesday, October 21, 2003 4:44 PM

To: 'kalies@attglobal.net'

Cc: Eley, James
Subject: Omnicare 00434

Attached are the specification, drawings, Declaration with Power of Attorney and Assignment form for the "Method for Conducting Prescription Drug Co-Payment Plans". After your review of the specification and drawings, please execute the Declaration with Power of Attorney and Assignment forms, and return them to our office for filing with the patent office. Thank you.

If you have any questions, please do not hesitate to call.

Pixie I. Picketts IP Assistant Thompson Hine LLP 10 W. Broad St., Suite 700 Columbus, OH 43215-3435 Phone: 614/469-3394

Fax: 614/469-3361 E-mail: <u>Pixie.Picketts@ThompsonHine.com</u>

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From: Eley, James

Sent: Monday, October 27, 2003 12:33 PM

To: Ludeke, Tom (tludeke@accu-med.com)

*Cc: Picketts, Pixie; Forhan, Michael; Young, Rodney

Subject: Kalies' Patent Signatures

Tom,

Dr. Kalies has received the patent paperwork we sent him in connection with 4 pending applications in which he is named as inventor. Today he called and expressed his willingness to sign the needed assignments and declarations but would like some affirmative indication from Omnicare that they still want him to sign them. He expressed some concern that his reviewing the pending applications could be viewed as his meddling in Omnicare's affairs. I advised him that he is already committed to reviewing the applications, assigning them to Omnicare and signing the necessary inventor's declarations.

By return email, please confirm that Omnicare still wishes to have Dr. Kalies review the applications and sign the necessary inventorship paperwork for the files. Thanks.

Jim Eley

James R. Eley Registered Patent Attorney Thompson Hine LLP 10 W. Broad St., Suite 700 Columbus, OH 43235 614-469-3228 phone 614-469-3361 fax 614-537-3539 cell

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From: Eley, James

Sent: Friday, November 07, 2003 12:09 PM

T: 'Kalies@attglobal.net'

Cc: Picketts, Pixie; Forhan, Michael

Subject: FW: Kalies and Patent Applications

Ralph,

Here is the email I received from Tom Ludeke this morning. Looks like we are good to go for you to sign the declarations and assignments. Pixie has been on me about filing missing parts to previously filed applications, which includes the declaration paperwork we have sent to you previously.

If you have any questions which forms we need you to sign, contact Pixie at 614-469-3394. Thanks.

Jim

James R. Eley Registered Patent Attorney Thompson Hine LLP 10 W. Broad St., Suite 700 Columbus, OH 43235 614-469-3228 phone 614-469-3361 fax 614-537-3539 cell

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----Original Message----

From: Ludeke, Tom [mailto:TLudeke@accu-med.com]

Sent: Friday, November 07, 2003 9:03 AM

To: Eley, James

Subject: RE: Kalies and Patent Applications

Jim,

It is fine to have Kalies review the applications. Please proceed.

Tom Ludeke

Fr m: Picketts, Pixie

Sent: Wednesday, November 19, 2003 3:57 PM

T: Eley, James

'Subject: Kalies

He-was there. He wouldn't come to the phone but sent a message through the woman who answered the phone that he felt there was no need for him to sign those things. I asked him to call you.